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R. Neil Sudol

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANT(S) : Peter J. WILK
SERIAL NO. : 09/329,668
FILED : 06/10/1999
FOR : Computer Network Mediated Financing Method
GROUP ART UNIT : 3624
EXAMINER : Jagdish PATEL

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SUPPLEMENTAL BRIEF ON APPEAL

In paragraph 5 of the Office Action of January 28, 2004, the Examiner refers to appellant's argument that there is nothing in the RCT reference which indicates that technology disclosures are sent over the Internet to the host computer. The Examiner then points out that the claims on appeal do not recite the Internet as a global communication network.

In response appellant hereby iterates the arguments referred to by the Examiner and clarifies that the term "Internet" is used in appellant's arguments synonymously with the term

“global computer network” which is recited in the claims. To appellant’s knowledge there is but one global computer network, and that is the Internet.

In paragraph 6 of the office action of January 28, 2004, the Examiner refers to a new citation as disclosing the RCT web address www.rtech.com and evidently takes official notice that it “has been customary, well before, the claimed invention for businesses and individuals to communicate via electronic mail as indicated explicitly in the RCT reference.... It is, therefore, clear and obvious to one of ordinary skill that technologies for commercial potential can be sent to the RCT host computer over a network using the E-mail Contact indicated on the RCT web page.”

Appellant contravenes the Examiner’s reliance on the new citation, as well as the Examiner’ evident official notice “that technologies for commercial potential can be sent to the RCT host computer over a network using the E-mail Contact....” There is no date on the new citation. Appellant therefore maintains that the new citation is improperly presented as evidence in this case. Moreover, the mere existence of electronic mail does not lead to the conclusion that disclosures of new technologies (e.g. inventions) are transmitted by E-mail in a method as described by the RCT reference. The Examiner is improperly imposing a hindsight interpretation on the teachings of the cited references.

In paragraph 7 of the Office Action of January 28, 2004, the Examiner states that “The only argument forwarded by the applicant in support of the amended claim 8 is that the primary reference, RCT fails to teach or suggest the transmission of technology over the Internet.”

This is not true. Appellant’s Brief on Appeal sets forth several arguments as to why claim 8 distinguishes over the references relied on by the Examiner. Appellant repeats and

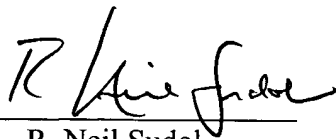
incorporates those arguments by reference herein. For example, appellant disputes the Examiner's taking of official notice that receiving bids for units of equity from investors over a global computer network, among other activities, is old and well known and anticipated in the art of trading of financial instruments including IPOs. Another example: the prior art at the time appellant filed the instant application did not teach or suggest the selection of the prospective technology development venture from among the purported advances in technology described in the information arriving over the Internet.

In summary, for reasons discussed above and in Appellant's Brief on Appeal, the combination of references relied on by the Examiner in rejecting claim 1, namely, the RCT reference and the Cyber-securities reference, and the combination relied on by the Examiner in rejecting claim 8, namely, the Cyber-securities reference and the RCT reference, fail to suggest the invention as set forth in those claims. The Examiner has failed to provide adequate evidence to support his rejections. The rejections of claims 1 and 8 under 35 U.S.C. § 103 are therefore improper. Appellant requests that the Examiner be reversed and the application remanded for proceedings towards issuance.

Respectfully submitted,

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